

Message Text

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ACTION DLOS-04

INFO OCT-01 EUR-12 IO-10 ISO-00 ACDA-05 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 /116 W

----- 077773

R 260950Z AUG 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 5433

INFO AMEMBASSY MOSCOW

USUN NEW YORK 2291

C O N F I D E N T I A L GENEVA 6597

E.O. 11652: GDS

TAGS: PLOS: USUN

SUBJ: LOS BILATERAL WITH SOVIETS CONCERNING MARINE POLLUTION.

SINGLE TEXT, AND PROPOSED U.S. AMENDMENTS

1. US AND SOVIET LOS TEAMS MET IN GENEVA DURING WEEK OF
AUG 18 TO COORDINATE POSITIONS ON PACKAGE OF AMENDMENTS
TO COMMITTEE III TEXT ON MARINE POLLUTION. DISCUSSIONS
INDOCATED THAT US AND USSR ARE IN AGREEMENT ON MOST
ISSUES IN SINGLE TEXT ON MARINE POLLUTION, ALTHOUGH
SOME SIGNIFICANT DIFFERENCES REMAIN. UNRESOLVED
ISSUES WERE THE FOLLOWING:

A. VULNERABLE AREAS (ARTICLE 20, PARA 5) - NO
AGREEMENT WAS REACHED, BUT THE TWO SIDES AGREED TO
CONTINUE DISCUSSIONS AND, PENDING RESOLUTION OF ISSUES,
TO AGREE IN EVENSEN GROUP THAT DISCUSSION OF THIS
PROVISION IS PREMATURE.

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B. TERRITORIAL SEA STANDARDS - SOVIETS CONTINUE TO OPPOSE COASTAL STATE SETTING OF DESIGN, CONSTRUCTION AND EQUIPMENT STANDARDS IN THE TERRITORIAL SEA. MOREOVER, THEY OPPOSE COASTAL STATE ENFORCEMENT OF INTERNATIONAL DESIGN, CONSTRUCTION, AND EQUIPMENT STANDARDS IN THE TERRITORIAL SEA.

C. PORT STATE ENFORCEMENT - SOVIETS CONTINUE TO SUPPORT BOTH AREA LIMITATION AND FLAG STATE PREEMPTION OF PROCEEDINGS.

D. DUMPING - SOVIETS DID NOT AGREE AT THIS TIME TO 200 MILE LIMIT TO COASTAL STATE DUMPING JURISDICTION ON GROUNDS THEY WERE STUDYING DESIRABILITY OF EXTENDING SUCH JURISDICTION TO MARGIN BEYOND 200 MILES.

E. SOVIETS FAVOR AMENDING ARTICLE 34 TO REQUIRE AN ENFORCING STATE TO NOTIFY THE CONSULAR REPRESENTATIVE OF THE FLAG STATE AND FACILITATE HIS CONTACT WITH THE CREW BEFORE TAKING ANY MEASURES, INCLUDING ARREST OF THE VESSEL. (THERE WOULD BE AN EXCEPTION ONLY FOR CASES OF EXTREME URGENCY.) THIS PRESENTS OBVIOUS ENFORCEMENT PROBLEMS, E.G., FOR ARREST OF OFFENDING VESSELS IN THE TERRITORIAL SEA.

F. LIABILITY - SOVIETS EXPRESSED INITIAL SKEPTICISM CONCERNING US PROPOSAL THAT A STATE PROVIDE ACCESS FOR FOREIGN NATIONALS TO ITS DOMESTIC COURTS IN CASES OF POLLUTION DAMAGE CAUSED BY ACTIVITIES UNDER JURISDICTION OF FORMER STATE. TWO SIDES AGREED TO CONSULT FURTHER ON THE ISSUE.

2. COMMENT: FOR MOST PART, SOVIETS HAD NO DIFFICULTY ACCEPTING PROPOSED US PACKAGE OF AMENDMENTS. MOST SIGNIFICANT DIFFERENCES CONTINUE TO CENTER ON VULNERABLE AREA CONCEPT (ART 20 (5)), COASTAL STATE STANDARD SETTING FOR SHIP CONSTRUCTION STANDARDS FOR SHIPS IN INNOCENT PASSAGE IN THE TERRITORIAL SEA OUTSIDE OF STRAITS (ART 20 (3)) AND PORT STATE ENFORCEMENT SYSTEM CONCERNING AREA LIMITATION AND

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FLAG STATE PREEMPTION. DALE

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Disposition Date: 28 MAY 2004
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Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Executive Order: GS
Errors: N/A
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06 JUL 2006

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